

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GEORGE KERSEY,

Plaintiff,

v.

DONALD TRUMP,

Defendant.

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Civil Action No. 23-12019-IT

ORDER

November 29, 2023

TALWANI, D.J.

On November 16, 2023, the court denied Plaintiff George Kersey's Motion for Leave to Appeal in Forma Pauperis [Doc. No. 7] because (1) the motion was not accompanied by a completed the financial affidavit required under Rule 24(a)(1) of the Federal Rules of Appellate Procedure; and (2) the appeal was not taken "good faith," as the term is used in 28 U.S.C. § 1915(a)(3).¹ The court informed Kersey that, if he wanted to further pursue *in forma pauperis* status on appeal, he could file a new motion to appeal *in forma pauperis* with the United States Court of Appeals for the First Circuit within thirty days, in accordance with Rule 24(a)(5) of the Federal Rules of Appellate Procedure. Id.

On November 24, 2028, Kersey mailed an Affidavit Accompanying Motion for Permission to Appeal *in Forma Pauperis* ("Affidavit") [Doc. No. 11] to this court rather than to the First Circuit. To the extent that Kersey is asking this court to revisit its decision denying his motion to appeal Motion for Leave to Appeal in Forma Pauperis, such request is DENIED. To

¹ Under the federal *in forma pauperis* statute, "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3).

the extent that Kersey is seeking permission to appeal *in forma pauperis* from the United States Court of Appeals for the First Circuit, he must submit his motion and Affidavit directly to that Court as previously ordered and as set forth in Fed. R. App. P. 24(a)(5).

The clerk shall transmit a copy of this order to the United States Court of Appeals for the First Circuit.

IT IS SO ORDERED.

/s/ Indira Talwani

United States District Judge

November 29, 2023